HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 1075 (M/S) 2006

Gajendra Singh S/o Sri Sant Ram,
Resident of village Majri, Post Pran Kaliyar,
District Haridwar. -- Petitioner.

Versus

1. District Education Officer, Haridwar,
2. Block Education Officer, Roorkee, Haridwar,
3. Smt. Rajbala, Gram Pradhan,
   Village Majri, Gummawala, Haridwar. --Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.N. Babulkar, learned Senior Advocate assisted by Sri Ravi Babulkar, learned counsel for the petitioner, learned Standing Counsel for the State/respondent no. 1 & 2 and Sri Alok Singh, learned Senior Advocate assisted by Sri Parikshit Saini, learned counsel for respondent no. 3.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

a. Issue a writ, rule, order or direction in the nature of certiorari calling for the records and quashing the impugned order dated 21.07.2006 (annexure no. 10) passed by respondent no.1,

b. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no. 1 to approve the newly elected committee of management and attest signature of manager forthwith,

c. Issue any other order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case.

d. Award cost of the petition in favour of the petitioner.

The petitioner has attacked the order dated 21.07.2006 passed by respondent no. 1 which is annexure no. 10 to the writ petition canceling the election of the office bearers of the Committee of Management of Janta Inter College, Majri Gummawala, district Haridwar and directing for fresh election on the ground that in a complaint the Black Education Officer, Roorkee, after conducting inquiry, has found that some life members were not intimated about the election. Since, the District Education Officer came to the conclusion that there is dispute in regard to the election of committee of management as per law, he was bound to refer the dispute to Joint Direction of Education u/s 16 A (7) of U.P. Intermediate Education Act 1921.

Since in this case, admittedly the findings has been recorded by the District Education Officer that a dispute has arisen in respect of the election of the Committee of Management, he has not referred the matter to the Joint Director of Education for taking decision on the dispute and has decided the matter.

Learned counsel for respondent no. 3 has fairly conceded that the law in this regard has not been followed by the District Education Officer and he requested that the Joint Director of Education / Addl. Director, (who is competent Authority under 16 A (7) of U.P. Intermediate Education Act 1921) may be directed to decide the dispute within a particular period.

In the circumstances and for the reasons recorded above, I direct the Joint Director of Education/Addl. Director of Education, who is Competent Authority under the act to decide the dispute u/s 16 A (7) of U.P. Intermediate Education Act, arose in the election of Committee of Management within a period of one month from the date of production of a certified copy of this order after giving opportunity to the parties.

The stay application no. 10145/06 stands disposed of.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

August 22, 2006;
NCM: